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August 9, 2004

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *Ex Parte* Presentation in CC Docket No. 01-338

Dear Ms. Dortch:

Jake Jennings, Vice President of Regulatory Affairs & Industry Relations for NuVox Communications, Inc., and the undersigned met on August 6, 2004 with Scott Bergmann, Legal Advisor for Wireline Issues for Commissioner Adelstein, to discuss the need to preserve cost-based access to DS1 loops and EELs. In addition, NuVox provided the attached handout for Mr. Bergmann's review.

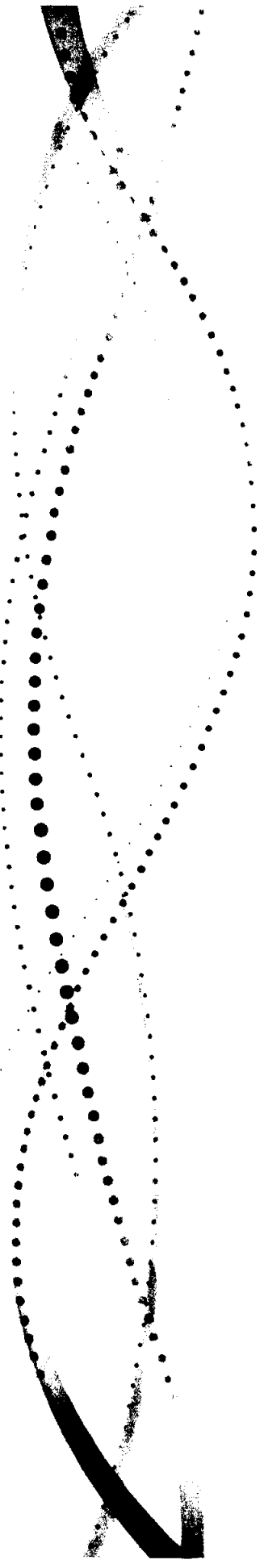
Pursuant to Section 1.1206(b)(2) of the Commission's rules, this letter is being provided for inclusion in the public record of the above-referenced proceedings.

Very truly yours,

/s/ Michael H. Pryor
Michael H. Pryor
Counsel to NuVox Communications, Inc.



FCC Interim Rules



Current Proposal:

- (1) Possible 15% increase on embedded base if FCC fails to issue permanent rules within 6 months.
- (2) No new Adds – all new orders must be placed as Special Access if FCC fails to issue permanent rules within 6 months.

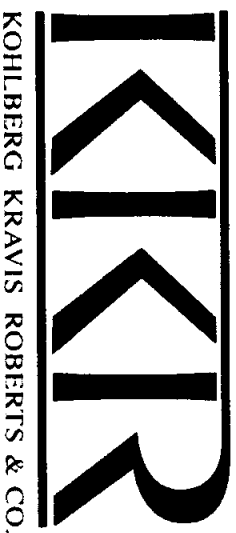
NuVox provides facilities-based local, long distance, and broadband service to small and medium business throughout the Southeast and Midwest.

- Customers save 15-30% off of Bell's rate (\$300-\$500 month)
- NuVox's small business customers are, for the first time, receiving the benefits of broadband. Approximately 90% of NuVox's customers are upgraded to broadband when they switch their service from the Bell company.
- Customers spend approximately \$700 - \$900/month and include:
 - > Doctors offices
 - > Legal Services
 - > Motor Vehicle Dealers
 - > Real Estate Agents
 - > Insurance Agents, Brokers

Smart Money Invested

NUVOX
communications™

Over \$1 Billion Invested in NuVox Communications



WACHOVIA
CAPITAL PARTNERS



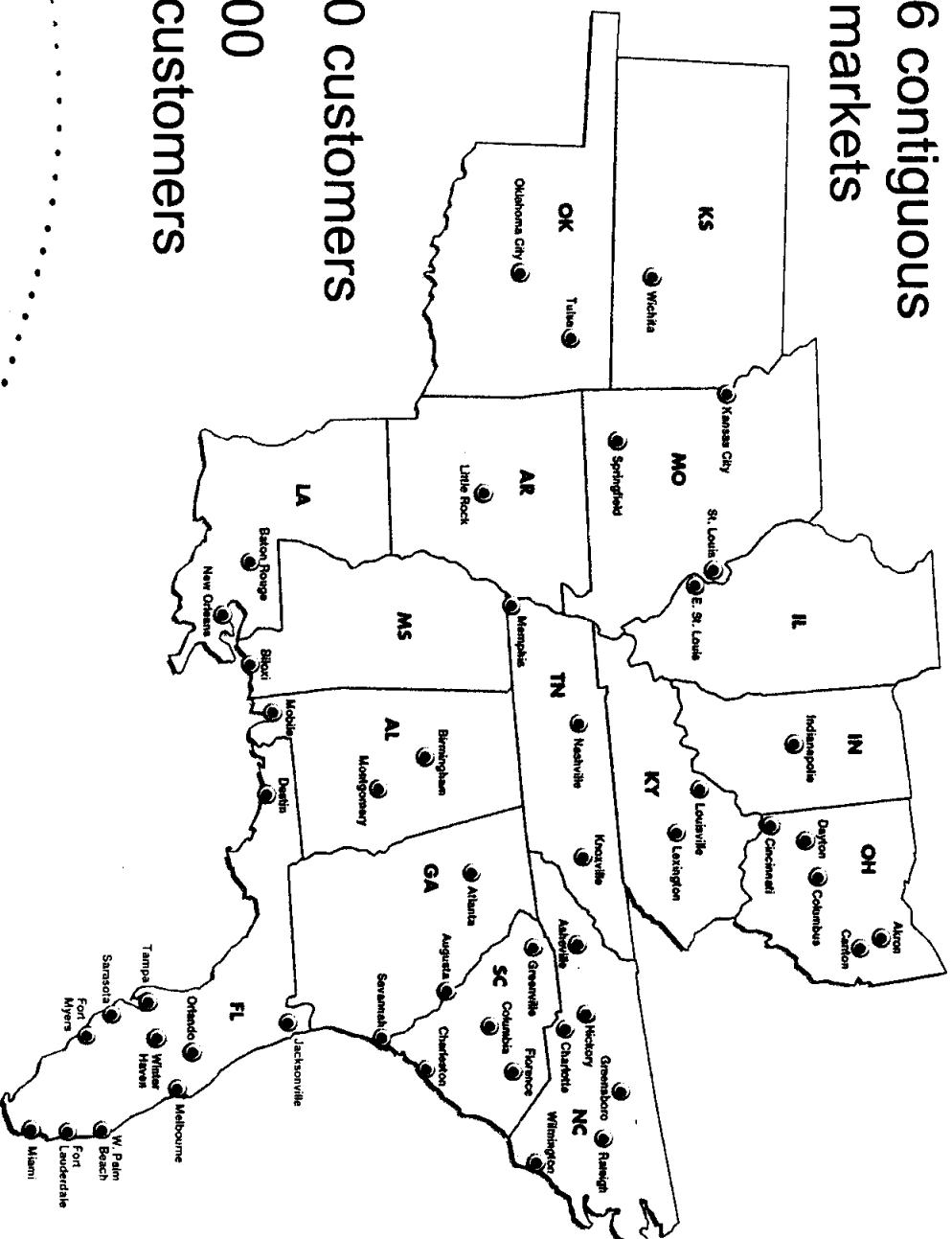
Quadrangle



Super Regional Presence

NUVOX
communications™

- Coverage in 16 contiguous states and 48 markets
- Over 570,000 lines installed
- Run rate exceeding \$300 million
- Serving 37,000 customers
- More than 5,000 multi-location customers



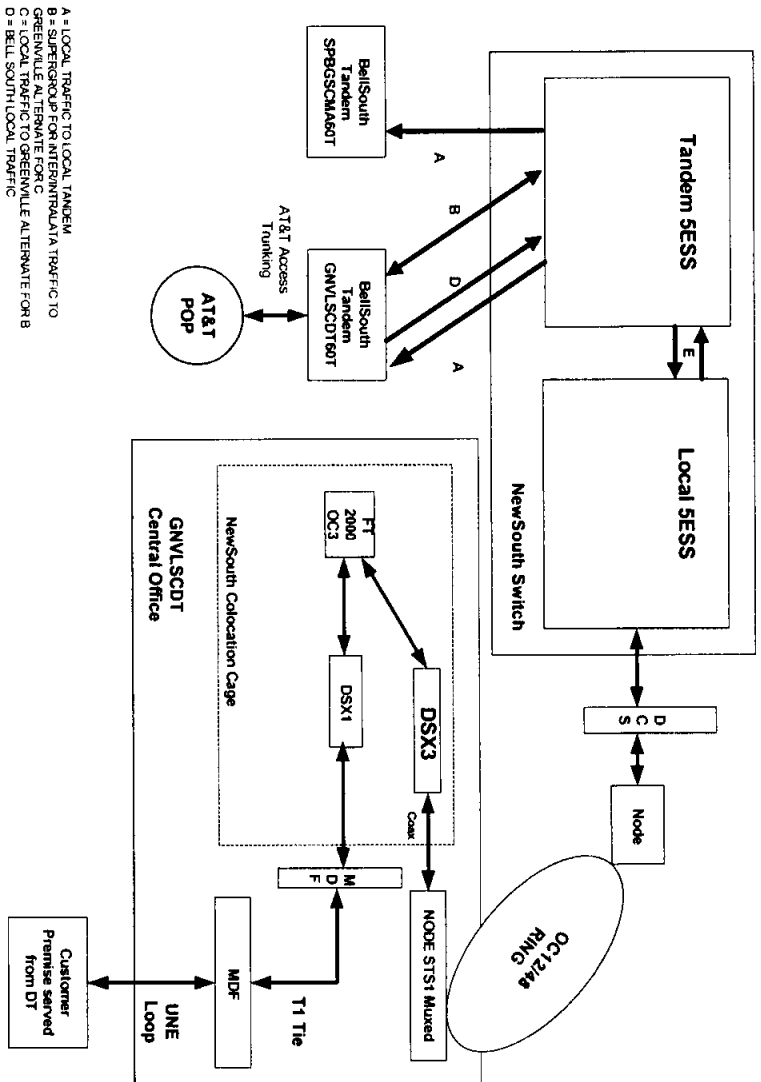
Best-in-class Network

NUVOX
communications™

- Facilities-based network serving 16 states
 - Over \$500 Million invested in Network and Equipment
- Network specifics:
 - 28 Lucent, Nortel, and Seimens voice switches
 - 43 Cisco ATM switches
 - 281 end office collocations
 - Sonus VoIP LD networks
 - SONET Architecture
 - SS7 Network
 - MPLS compliant
 - Internet connections to AT&T, UNNet, Global Crossing, and WITel

GNVLSCLD50
GNVLSCLBMD
LATA 430

NewSouth Communications
Trunking Diagram for Greenville SESS



- **DS1 loops – no alternative to customer premise**
 - > BOC claims that OLECs "use their own last mile facilities to serve the vast majority of their business customers" are false: Of NewSouth's 3,659 DS1 loops, 0 are self-provisioned and 0 are from third party providers
 - > DS1 customer revenues are insufficient to justify building DS1 loop
- **EEL – viewed as a long loop**
 - > EEL is a loop/transport combination dedicated to an individual small business customer.
- **Special Access is not a substitute**
 - > Materially increases cost (see next slide)
 - **DS1 cost as a % of total customer cost increases from 36.2% (current rates) to 56.3% (special access).**
 - > BOCs OLEO array of ILEO pricing decisions
 - > Undermines facilities deployment by locking into ILEC's network.

LATA 420 Asheville, NC Density Zone 2

Element	EEL USOCs	EEL Rate	SPA USOCs	SPA 2yr. Rate	SPA 5yr. Rate
Channel Term (DS1 Loop)	USLXX	\$ 84.36	TMECS	\$ 126.00	\$ 123.00
Mileage @ 10 miles	1L5XX	\$ 5.80	1L5XX	\$ 135.00	\$ 105.00
InterOffice Channel Fixed	U1TF1	\$ 71.29	1L5XX	\$ 75.00	\$ 70.00
COLO Cross Connects	PE1PG, PE1P1	\$ 3.13			
Ring Cross Connect on Muxed DS3	1PQE1	\$ 164.58	1PQE1	\$ 12.00	\$ 12.00
Total:				\$ 348.00	\$ 310.00
28 DS1 Multiplexing	MQ3	\$ 226.81	MQ3CO	\$ 490.00	\$ 450.00
24 DS0 Multiplexing	MQ1	\$ 177.72	MQ1	\$ 171.00	\$ 167.00

LATA 474 Knoxville, TN Density Zone 2

Element	EEL USOCs	EEL Rate	SPA USOCs	SPA 2yr. Rate	SPA 5yr. Rate
Channel Term (DS1 Loop)	USLXX	\$ 75.40	TMECS	\$ 126.00	\$ 123.00
Mileage @ 10 miles	1L5XX	\$ 3.60	1L5XX	\$ 135.00	\$ 105.00
InterOffice Channel Fixed	U1TF1	\$ 77.86	1L5XX	\$ 75.00	\$ 70.00
COLO Cross Connects	PE1PG, PE1P1	\$ 2.71			
Ring Cross Connect on Muxed DS3	1PQE1	\$ 159.57	1PQE1	\$ 12.00	\$ 12.00
Total:				\$ 348.00	\$ 310.00
28 DS1 Multiplexing	MQ3	\$ 222.98	MQ3CO	\$ 490.00	\$ 450.00
24 DS0 Multiplexing	MQ1	\$ 165.21	MQ1	\$ 171.00	\$ 167.00

LATA 440 Savannah, GA Density Zone 2

Element	EEL USOCs	EEL Rate	SPA USOCs	SPA 2yr. Rate	SPA 5yr. Rate
Channel Term (DS1 Loop)	USLXX	\$ 64.13	TMECS	\$ 126.00	\$ 123.00
Mileage @ 10 miles	1L5XX	\$ 4.50	1L5XX	\$ 135.00	\$ 105.00
InterOffice Channel Fixed	U1TF1	\$ 78.47	1L5XX	\$ 75.00	\$ 70.00
COLO Cross Connects	PE1PG, PE1P1	\$ 2.33			
Ring Cross Connect on Muxed DS3	1PQE1	\$ 149.43	1PQE1	\$ 12.00	\$ 12.00
Total:				\$ 348.00	\$ 310.00
28 DS1 Multiplexing	MQ3	\$ 182.04	MQ3CO	\$ 490.00	\$ 450.00
24 DS0 Multiplexing	MQ1	\$ 126.22	MQ1	\$ 171.00	\$ 167.00

- Exempt DS1 loops/EELs from price increase pending adoption of final rules if FCC fails to act within 6 months.
- FCC has broad discretion to craft interim rules needed to prevent market disruption pending adoption of final rulemaking.
- **Maintaining DS1 Loop and EELs Serves the Public Interest**
 - > Record overwhelmingly demonstrates impairment
 - > FCC found EELs "facilitate the growth of facilities-based competition"
 - > USTA II Court Pointed to Continued High Capacity Loop Access to Sustain Hybrid-Loop Relief